

Mutual Aid for Building Departments: Region 10

This regional fact sheet is designed to inform local officials and community stakeholders of building department mutual aid support following a disaster. Because most building departments do not maintain sufficient personnel levels to handle the influx of post-disaster inspections, permitting and enforcement tasks, mutual aid agreements allow building departments to augment their personnel in times of need.

Mutual Aid Agreements

To utilize mutual aid support, building departments must request assistance through an established mutual aid agreement that describes the terms and conditions of the service. These agreements between states and among jurisdictions provide a mechanism to quickly obtain assistance in the form of personnel. The primary objective is to facilitate the rapid, short-term deployment of emergency support prior to, during, and/or after an incident.

Mutual aid personnel can be classified in two categories: **Public-Sector Personnel**, also referred to as state assets and can include local, state, and federal officials; and **Private-Sector Personnel**. The following public- and private-sector resources are capable of assisting communities after disaster:

- Building Code Officials
- Floodplain Administrators
- Engineers & Architects
- Building Safety & Code Inspectors
- State NFIP Coordinators
- Technicians & Specialists

This fact sheet will discuss two types of mutual aid compacts. The Emergency Management Assistance Compact (EMAC) establishes a mutual aid system *between* states and territories, whereas an Intrastate Mutual Aid Compact (IMAC) establishes a mutual aid system *within* a state or territory. Each mutual aid agreement can be unique to the state or territory.

Emergency Management Assistance Compact

EMAC is an interstate mutual aid agreement, i.e., **between states and territories**, passed in all 50 states, the District of Columbia, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands. It also allows states and territories to give and receive liability protections and reimbursements for those shared personnel. See <https://emacweb.org/> for more information.



Enhanced EMAC: Provides benefits and protections to public-sector response personnel, while also providing some benefits and protections to private-sector response personnel. Private-sector personnel may be allowed to deploy through EMAC during disasters.



Standard EMAC: Provides benefits and protections to public-sector response personnel, but not to private-sector response personnel. Private-sector personnel may not be allowed to respond through EMAC during disasters.



Not Participating in EMAC: May not provide benefits or protections to any response personnel. Without an agreement in place, public- and private-sector personnel may not be allowed to respond outside of their home jurisdictions in an official capacity during disasters.

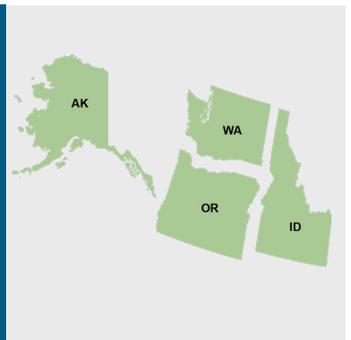


Figure 1.
FEMA Region 10
EMAC Types



FEMA

Intrastate Mutual Aid Compact

An IMAC is a mutual aid agreement or system allowing political subdivisions **within a state or territory** to share their personnel during emergencies. An IMAC, unlike EMAC, exists in many different forms throughout the country, and not all areas have one. This fact sheet designates each state's IMAC into one of the following four categories.

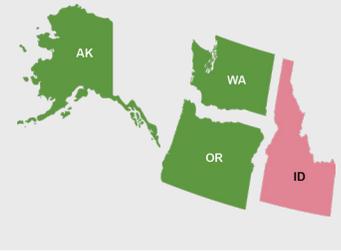
	<p>Statewide opt-out program: the state creates a mutual aid program and automatically integrates all of its political subdivisions into it, leaving the burden on jurisdictions to opt out if they so choose. Some states even forego an opt-out provision.</p>	
	<p>Statewide opt-in program: the state creates a mutual aid program but leaves the burden on individual jurisdictions to opt in to the program.</p>	
	<p>Individual compacts: Individual jurisdictions enter into mutual aid agreements with each other, often in the form of a Memorandum of Understanding or Memorandum of Agreement. The shortcomings of this approach include geographic limitations for each individual agreement and the possibility for variations among individual agreements within a given area.</p>	
	<p>No known significant IMAC program.</p>	

Figure 2.
FEMA Region 10
IMAC Types

Funding for Building Department Staff

The Disaster Recovery Reform Act of 2018, Section 1206 (DRRA-1206) authorizes FEMA Public Assistance grant funding to support recovery staffing needs of local building code and floodplain management departments up to 180 days following the date of the major disaster declaration. DRRA-1206 can help reimburse communities that seek out trained and certified mutual aid responder teams through EMAC for interstate mutual aid, or within a state through IMAC. DRRA-1206 reimbursement is only eligible for work required as a result of the major disaster declaration. See the Overview fact sheet in this series, FEMA's new [DRRA-1206 flyer](#), or [FEMA Policy FP 204-079-01](#) for more information.

How to Use the Regional Fact Sheets and Pursue Mutual Aid

Local officials and community stakeholders can use this fact sheet to identify the mutual aid agreements and the protections offered to personnel capable of performing post-disaster building damage assessments and recovery tasks. Mutual aid laws and protections vary from state to state. Before requesting or providing mutual aid assistance:

- Review the laws and regulations using the footnotes and references provided for each state as a guide
- Make sure the laws and regulations in the requesting and assisting states provide for the use and protection of private-sector and volunteer responders. Some of the select mutual aid provisions for private and volunteer personnel may include:
 - Deployment criteria
 - Designation of private personnel as government agents/employees
 - License reciprocity
 - Liability protections
 - Workers' compensation
 - Reimbursement
- Contact the local emergency management office or state agency to verify the limitations of public- and private-sector personnel and with any questions about the mutual aid laws and regulations

This document contains references to non-federal resources and organizations. The references are solely for informational purposes and are not an endorsement of any non-federal entity by FEMA, Department of Homeland Security, or the U.S. government.



ALASKA

<p>EMAC Public & Private:</p>	<p>State has a standard compact with no known significant incorporation of private resources into EMAC.¹</p>	
<p>IMAC Public:</p>	<p>State adopts a statewide opt-out IMAC program.²</p>	
<p>IMAC Private:</p>	<p>State authorizes creation of an emergency response corps consisting of volunteers who register with the state and agree to be trained in techniques for emergency and disaster response and to be available on short notice to carry out responsibilities of the corps under an applicable incident command system.³ An emergency responder holding a license, certificate, or other permit issued by an Alaska state agency, or a political subdivision of Alaska, evidencing the responder's qualification in a professional, mechanical, or other skill shall be considered to be licensed, certified, or permitted in the requesting political subdivision during the emergency, disaster, drill, or exercise, subject to limitations and conditions prescribed by the principal executive officer of the requesting political subdivision in writing.⁴</p>	
<p>Private/Volunteer In-State Benefits & Protections:</p>	<p>Under Alaska Intrastate Mutual Aid laws (Alaska Statutes Secs. 26.23.500 to 26.23.549), all persons responding under the operational control of the <i>requesting</i> political subdivision are considered to be agents of the <i>requesting</i> political subdivision for purposes of liability; an action (lawsuit) for damages for an act or omission may not be brought against a <i>responding</i> political subdivision, or an officer or employee (the statute does not clarify whether agents are considered employees in this context) of a <i>responding</i> political subdivision, in providing assistance under those laws; however, the Alaska IMAC laws do not preclude liability for civil damages that are the result of gross negligence or reckless or intentional misconduct.⁵ Any person providing equipment or services at the request of a governmental agency during a state of emergency declared by an authorized representative of the state or local government is not liable for harm to persons or property caused by that person's actions, except when the trier of facts (judge or jury in a court proceeding) finds that the person acted intentionally, recklessly, or with gross negligence.⁶</p>	

¹Alaska Statutes §§ 26.23.135 and 23.136 (2022).

²*Id.* at §§ 6.23.500 to 23.549.

³*Id.* at § 26.23.045.

⁴*Id.* at § 26.23.515.

⁵*Id.* at § 26.23.540. Note that although the statute provides clear protections for officers and employees of the responding political subdivision, the statute, on its face, does not provide clear protections for volunteers of the responding political subdivision.

⁶*Id.* at § 09.65.091.

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IDAHO

EMAC Public & Private:

State has a standard compact with no known significant incorporation of private resources into EMAC.⁷ Idaho separately enacts another Interstate Mutual Aid Compact effective between Idaho and any other state that enacts the same or substantially identical compact.⁸ Under the terms of that compact: (1) all privileges and immunities from liability, exemptions from law, ordinances, and rules and workers' compensation and other benefits that apply to duly enrolled or registered volunteers when performing their respective functions at the request of their state and within its territorial limits apply to the same extent while performing their functions extraterritorially under the provisions of this compact; and (2) volunteers may include but are not limited to physicians, surgeons, nurses, dentists, structural engineers, and trained search and rescue volunteers.⁹



IMAC Public:

State encourages individual compacts among political subdivisions.¹⁰



IMAC Private:

No known significant private mutual aid policies.

Private/Volunteer In-State Benefits & Protections:

Persons holding a license, certificate, or other permit issued by any state or political subdivision thereof evidencing the meeting of qualifications for professional, mechanical, or other skills, may render aid involving that skill in Idaho to meet an emergency or disaster proclaimed by the governor, and Idaho shall give due recognition to the license, certificate, or other permit.¹¹

Except in cases of willful misconduct or gross negligence, no person, firm, corporation or entity under contract with the state or an agency or political subdivision thereof to provide equipment or work to be used in civil defense, disaster or emergency planning, preparation or relief, while complying with or attempting to comply with the relevant laws and regulations (see cited statute), shall be liable for the death of or any injury to persons or damage to property as a result of such activity.¹² Under Idaho's Worker's Compensation law,¹³ every person who is a volunteer emergency responder is deemed for the purposes of that law to be in the employment of the political subdivision or municipality where the department, agency, or organization is organized, and every person who is a regularly enrolled volunteer member or trainee of the department of disaster and civil defense, or of a civil defense corps, is deemed for the purposes of that law to be in the employment of the state.¹⁴ But consult Idaho's Worker's Compensation law for particular details on the coverage and benefits that apply to emergency responders during emergency management service.¹⁵

⁷ Idaho Statutes § 46-1018A (2022).

⁸ *Id.* at § 46-1018.

⁹ *Id.* at § 46-1018.

¹⁰ *Id.* at § 46-1014.

¹¹ *Id.* at § 46-1010.

¹² *Id.* at § 46-1017.

¹³ *Id.* at §§ 72-101 to 72-1717.

¹⁴ *Id.* at § 72-205.

¹⁵ *Id.* at §§ 72-101 to 72-1717.

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IDAHO (Cont'd)

Private/Volunteer In-State Benefits & Protections: (Cont'd)

No **architect, engineer**, or contractor may be held liable for personal injury, wrongful death, property damage, or other loss related to any architectural, structural, electrical, mechanical, construction, design, or other professional service provided by the architect or engineer, voluntarily or without compensation, or the contractor at the request or approval of a national, state, or local public official in response to a declared national, state, or local emergency, a disaster, or a catastrophic event, where there services are rendered within ninety (90) days following the end of the declared emergency, disaster, or catastrophic event unless extended by executive order of the governor.¹⁶



OREGON

EMAC Public & Private:

State has a standard compact.¹⁷ State explicitly provides for incorporation of volunteer health practitioners into its EMAC system.¹⁸



IMAC Public:

State adopts a statewide opt-out IMAC program.¹⁹



IMAC Private:

No known significant private mutual aid policies.

Private/Volunteer In-State Benefits & Protections:

State does provide some liability immunity in a disaster response context for **architects, engineers**, and certified inspectors or certified building evaluators, but see Oregon Revised Statutes Sec. 30.788 for the particular requirements and eligibility criteria of that immunity.

¹⁶ *Id.* at § 5-345. The statute does not specify whether the architect or engineer is required to be licensed or registered in Idaho, nor does it define the term "contractor."

¹⁷ Oregon Revised Statutes § 402.105 (2022).

¹⁸ *Id.* at § 401.661. Said volunteers must be registered under § 401.654.

¹⁹ *Id.* at §§ 402.200 to 402.240.

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WASHINGTON

EMAC Public & Private:	State has a standard compact. ²⁰ State law allows for incorporation of volunteer health practitioners into its EMAC system. ²¹ However, state policy is not to utilize private sector volunteers through EMAC due to their lack of liability protections within EMAC. ²²	
IMAC Public:	State adopts a statewide opt-out IMAC program called the Intrastate Mutual Aid System (IMAS) ²³ and allows for additional voluntary mutual aid agreements between local emergency management organizations. ²⁴	
IMAC Private:	No known significant private mutual aid policies.	
Private/Volunteer In-State Benefits & Protections:	State does provide some liability immunity for volunteer emergency workers, including volunteer architects and engineers , assisting an approved emergency management organization in a disaster relief context, but see Washington Revised Code Secs. 38.52.010, 38.52.180, 38.52.195 and 38.52.1951 for the particular requirements and eligibility criteria of that immunity. ²⁵	

²⁰ Washington Revised Code § 38.10.010 (2022).

²¹ *Id.* at § 70.15.080.

²² Information based on correspondence with the Washington Safety Assessment of Facilities Evaluators (WAsafe) coalition (<https://www.wabo.org/emergency-management>). WAsafe is a coalition of building professional associations, including: Washington Association of Building Officials; Structural Engineers Association of Washington; American Institute of Architects, Washington Council; and American Society of Civil Engineers, Seattle Section. WAsafe operates under a Memorandum of Understanding with the Washington State Emergency Management Division and requires that dispatched volunteers register as temporary emergency workers with the local requesting jurisdiction before field deployment. For instructions on how to register as a WAsafe volunteer, visit https://wabo.memberclicks.net/assets/pdfs/Education/How%20to%20Register%20as%20a%20WAsafe%20Volunteer2019_10_11.pdf.

²³ Washington Revised Code §§ 38.56.010 to 38.56.080.

²⁴ *Id.* at § 38.52.091.

²⁵ However, those statutes do not specify whether the volunteer architect or engineer must be licensed or registered in Washington.

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